



California Regulatory Notice Register

REGISTER 2004, NO. 46-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

NOVEMBER 12, 2004

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*Time-
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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (916) 445-5353 or (916) 445-5386. For outside of the Sacramento area, call (800) 963-7860. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Mass Mail/Addressing Services, Sacramento, CA 95814-0212. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. COMMISSION FOR ECONOMIC DEVELOPMENT

NOTICE OF INTENTION TO ADOPT THE CONFLICT OF INTEREST CODE OF THE CALIFORNIA COMMISSION FOR ECONOMIC DEVELOPMENT

NOTICE IS HEREBY GIVEN that the **California Commission for Economic Development**, (hereinafter referred to as "the Commission") pursuant to the authority vested in it by Section 87300 of the Government Code, proposes to adopt its Conflict of Interest Code. The purpose of the code is to implement the requirements of sections 87300–87302.

The Commission proposes to adopt a Conflict of Interest Code to include positions that involve the making or participation in the making of decisions that may foreseeably have a material financial effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

Copies of the proposed code are available and may be requested from the contact person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than December 27, 2004, or at the conclusion of the public hearing, if any, whichever comes later, to the contact person set forth below.

At this time, no public hearing has been scheduled concerning the proposed code. If any interested person or person's representative requests a public hearing, he or she must do so no later than December 27, 2004, by contacting the contact person set forth below.

The Commission has prepared a written explanation of the reasons for the proposed code and has available the information on which the code is based. Copies of the proposed code, the written explanation of the reasons, and the information on which the proposed code is based may be obtained by contacting the contact person set forth below.

The CED has determined that the proposed code:

1. Imposes no mandate on local or state agencies or school districts.
2. Imposes no costs or savings on any state agency.

3. Imposes no costs on any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, business or small business.

In making this proposed code, the CED must determine that no alternative considered by the agency would be as effective and less burdensome to affected persons than this proposed code.

All inquiries concerning the proposed code and any communication required by this notice should be directed to:

Ms. Stacie Olivares-Howard
Executive Director
Commission for Economic Development
300 South Spring Street, Suite 12702
Los Angeles, CA 90013
(213) 897-7086
Email: stacie.olivares@ltg.ca.gov

TITLE 2. SECRETARY OF STATE

DIVISION 7. ADMINISTRATION

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Secretary of State intends to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Secretary of State proposes the following regulatory action: renumber Sections 20800, 20801, and 20802 of Chapter 8 of Division 7 of Title 2 of the California Code of Regulations to read as Sections 20802, 20803, and 20804, respectively; and add new provisions to read as Sections 20800, 20800.1, 20800.2, 20800.3, 20800.4, 20800.5, 20800.6, 20800.7, 20800.8, 20800.9, 20801, 20801.1, 20801.2, and 20801.3 to implement the statutorily mandated notary public education.

AUTHORITY AND REFERENCE

Authority cited: Sections 8201.2 and 8220, Government Code.

Reference cited: Sections 8201 and 8201.2, Government Code.

INFORMATION DIGEST AND POLICY STATEMENT OVERVIEW

Assembly Bill 1210 (Nakano), Chapter 513, Statutes of 2003, requires on or after January 1, 2005, any person, in order to qualify as a notary public, to have satisfactorily completed a six-hour course of study approved or provided by the Secretary of State concerning the functions and duties of a notary public prior to his or her appointment. Persons who apply for reappointment as a notary public on or after January 1, 2005 are required to complete a three-hour refresher course. Commencing January 1, 2005, the Secretary of State is required to review any course of study proposed by a vendor, approve any course of study that includes all material that a person is expected to know to satisfactorily complete the written examination, and compile a list of all vendors providing courses of study approved by the Secretary of State.

The proposed regulations prescribe an application and amendment form and a certificate of approval and identify the duties of a vendor approved by the Secretary of State to provide notary public education, including maintaining lists of attendees and responding to inquiries from the Secretary of State. The proposed regulations establish procedures for the following: application for and issuance of certificates of approval; issuance of proof of completion and warning letters; list of approved vendors; notification of changes in vendor information and revised lesson plans; and termination and cancellation of certificates of approval.

PUBLIC HEARING

The Secretary of State has not scheduled a public hearing on the proposed action. Any interested person or his or her authorized representative may request, no later than fifteen (15) days before the close of the written comment period, a public hearing pursuant to Section 11346.8 of the Government Code.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Secretary of State. Written comments must be received by 5:00 p.m. on December 28, 2004 to present statements, arguments, or contentions relating to the proposed action in order for them to be considered by the Secretary of State before a regulation is adopted, amended, or repealed. Submit written comments to the contact person listed below.

AVAILABILITY OF THE TEXT IN PLAIN ENGLISH

The text of the proposed regulations is available in plain English from the contact person listed below.

DISCLOSURE REGARDING THE PROPOSED ACTION

The Secretary of State has made the following determinations:

Mandate on local agencies and school districts: The Secretary of State has determined that the proposed regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: The Secretary of State has determined that the statutorily mandated notary public education program and resulting proposed regulations impose an additional cost to the Secretary of State of approximately \$85,000 in the current State fiscal year. It is anticipated that the Secretary of State will be able to absorb these additional costs within the agency's existing budget and resources.

Cost to any local agency or school district, which must be reimbursed in accordance with Section 17561 of the Government Code: The Secretary of State has determined that the proposed regulations do not impose a cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Other non-discretionary cost or savings imposed upon local agencies: The Secretary of State has determined that the proposed regulations do not impose other non-discretionary cost or savings imposed on local agencies.

Cost or savings in federal funding to the state: The Secretary of State has determined that the proposed regulations do not impose a cost in federal funding to the state.

Significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states: The Secretary of State has determined that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other state. The proposed regulatory action is statutorily required to implement the notary public mandatory education. Notary public applicants and notaries public will incur costs in attending educational courses. However, these costs are a result of statutory provisions and not the proposed regulatory action. The proposed regulations do not broaden the statutory requirements and do not establish the fees educational providers may charge. The Secretary of State anticipates the cost of approved courses of study to be established by market forces.

Cost impacts that representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action: The proposed

regulatory action is statutorily required to implement the notary public mandatory education. Notary public applicants and notaries public will incur costs in attending educational courses. However, these costs are a result of statutory provisions and not the proposed regulatory action. The proposed regulations do not broaden the statutory requirements and do not establish the fees educational providers may charge. The Secretary of State anticipates the cost of approved courses of study would be established by market forces.

Adoption of these regulations will not do any of the following: (1) create nor eliminate jobs within California; (2) create new business or eliminate existing business within California; nor (3) affect the expansion of business currently doing business within California.

Significant effect on housing costs: The Secretary of State has determined that the proposed regulatory action does not have a significant effect on housing costs.

BUSINESS REPORTING REQUIREMENT

The business reporting requirement is not applicable to the proposed regulations.

SMALL BUSINESS DETERMINATION

In the fiscal year 2003–04 the Secretary of State commissioned approximately 70,473 notaries public, and as of July 8, 2004, there were 213,067 commissioned notaries public in California. Some of these notaries public establish their own businesses providing notary public services, while others are employed by public and private sector entities. The statutorily mandated notary public education and the resulting proposed regulatory action will impact all notary public applicants and notaries public who apply for a reappointment at the conclusion of their four-year term whose commissions are issued on or after January 1, 2005. The mandatory education course required by statute represents costs to notary public applicants and notaries public. The proposed action may have an impact on small business, although the Secretary of State is unable to determine the number of notary public applicants and notaries public who qualify as small businesses.

CONSIDERATION OF ALTERNATIVES

The Secretary of State must determine that no reasonable alternative considered by the Secretary of State or that has otherwise been identified and brought to the attention of the Secretary of State would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Secretary of State shall have the entire rulemaking file available for inspection and copying throughout the rulemaking process. As of the date this notice is published in the Notice Register, the rulemaking file consists of this public notice, the text of the proposed regulations, the Notary Public Vendor Application and Amendment, form NP40 (09/04), Notary Public Education Vendor Certificate of Approval form, and the initial statement of reasons. The initial statement of reasons includes the express terms of the proposed action and the information upon which the proposed action is based. Copies of the rulemaking file may be obtained at www.ss.ca.gov/business or by contacting the contact person listed below. For further information regarding the inspection of the rulemaking file, contact Lisa Niegel, the regulation coordinator, at (916) 653-3345 or Mary Ingham, the designated back-up contact, at (916) 653-4104.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the close of the public comment period, the Secretary of State may adopt the proposed regulations substantially as described in this notice. If the Secretary of State makes modifications pursuant to Section 11346.8 of the Government Code, which are sufficiently related to the originally proposed text, the modified text with changes clearly indicated shall be available to the public for at least 15 days before the Secretary of State adopts the regulations as revised. Please send requests for copies of any modified regulations to the contact person listed below. The Secretary of State will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available. Once the final statement of reasons is prepared in accordance with subdivision (a) of Section 11346.9 of the Government Code copies may be obtained by contacting the contact person listed below.

CONTACT PERSON

Direct all written inquiries and requests for copies of the proposed text of the regulations, initial statement of reasons, modified text of regulations, if any, or other information upon which the rulemaking file is based to: Lisa B. Niegel, Regulation Coordinator, Office of the Secretary of State, Notary Public Section, 1500 11th Street, Sacramento, California 95814. Written inquiries and requests for copies of the rulemaking file may also be address to the following designated back-up contact: Mary Ingham, Office of the Secretary of State, Notary Public Section, 1500 11th Street, Sacramento, California 95814.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

October 28, 2004

File No. RH04041245

SUBJECT OF HEARING

Notice is hereby given that the Insurance Commissioner proposes to adopt the regulation described below after considering comments from the public. The Commissioner proposes to add to Title 10, California Code of Regulations, Chapter 5, Subchapter 3, Article 7.2, the new Section 2361 entitled: *Consideration of Losses and Loss Exposure in Residential Property Insurance Rating and Underwriting*. The regulation will implement guidelines for rating and underwriting residential property insurance.

The proposed regulation was also an emergency regulation which was most recently approved and July 12, 2004. This Notice is to begin the permanent rulemaking process.

AUTHORITY AND REFERENCE

The Commissioner proposes to adopt the proposed regulation under the express authority of California Insurance Code Section 790.10. These regulations are also authorized by Insurance Code Sections 679.71, 791.02, 791.10, 791.12, 1857, 1857.2, 1857.3, 1857.7, 1861.05 and 12926.

The proposed regulation will implement, interpret, and make specific California Insurance Code Sections 675, 676, 679.71, Article 6.5, 790. *et seq.*, 791.02, 791.10, 791.12, 1857, 1857.2, 1857.3, 1861.03, 1861.05 and 12926.

HEARING DATES AND LOCATIONS

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation on the following dates at the following locations.

January 20, 2005—10:30 a.m.
California Department of Insurance
Hearing Room
45 Fremont Street, 22nd Floor
San Francisco CA 94105

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS: CONTACT PERSONS

All persons are invited to present oral and/or written comments at the scheduled hearing. Written comments not presented at the hearing must be addressed to the following contact person:

Donald Hilla, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4108

Questions regarding the hearing, comments or the substance of the proposed action should be addressed to the above contact person. If the contact person is unavailable, inquiries may be sent to the backup contact person:

Lara Sweat, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4192

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Commissioner, care of the contact person at the address listed above, by no later than **5:00 p.m. on January 14, 2005**. Any materials received after that time will not be considered.

COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept and strongly encourages written comments transmitted by e-mail, provided they are sent to the following e-mail address: hillad@insurance.ca.gov. The Commissioner also requests a hard copy of the comments electronically submitted. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of **Donald Hilla** using the following fax number: **(415) 904-5490**. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person for this hearing in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of subchapter 4.5, title 10 of the California Code of Regulations, in connection with their participation in this matter. Persons

interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

Summary of Existing Law

CIC § 675 defines residential property risks. The proposed regulation refers to this definition in defining the scope of the proposed regulation.

CIC § 676 provides the legal requirements for a valid notice of cancellation and non-renewal of a residential property insurance policy. The proposed regulation refers to this definition in defining the scope of the proposed regulation and clarifies acts that may violate CIC § 676.

CIC § 679.71 provides an insurer may not refuse to issue a policy of residential property insurance under conditions less favorable to the potential insured than to other comparable potential insureds. The proposed regulation makes clear that loss history falls within the definition of “personal information” within the meaning of CIC 791.02 and that basing an adverse underwriting decision solely on information garnered from insurance-support organization databases may result in a violation of CIC § 679.71.

CIC Article 6.5, § 790 et seq. provides for regulation of trade practices in the business of insurance. These sections define prohibited acts and lists unfair and deceptive acts or practices. This regulation clarifies acts that may violate CIC § 790 et seq. CIC § 790.06 provides that under certain circumstances the Commissioner may define what constitutes an unfair insurance practice. The proposed regulation clarifies acts that may violate CIC § 790 et seq.

CIC § 790.10 provides that the commissioner shall promulgate reasonable rules and regulations to administer CIC § 790 et seq. This section permits the Department to adopt regulations to interpret and make specific CIC § 790 et seq.

CIC § 791.02 is a comprehensive section that provides a number of definitions related to the subject matter of the proposed regulation. CIC § 791.02(a)(1) defines the term “adverse underwriting decision” as the term is used in this regulation. CIC § 791.02(s) defines the term “personal information.” The Com-

missioner has determined that that term includes historical loss information as well credit-related information. CIC § 791.02(l) defines the term “insurance-support organization” as it is used in this regulation. The proposed regulation, through the use of concrete examples, makes more specific this section.

CIC § 791.10(a) provides the duties imposed on insurers when there is an adverse underwriting decision and CIC § 791.12(b) provides that an insurer may not predicate an adverse underwriting decision on information gathered from an insurance-support organization unless it obtains “further personal information” from some source other than the insurance-support organization. The proposed regulation, through the use of concrete examples, makes more specific this section.

CIC § 791.12(b) provides that an insurer may not predicate an adverse underwriting decision on information gathered from an insurance-support organization unless it obtains “further personal information” from some source other than the insurance-support organization. The proposed regulation, through the use of concrete examples, makes more specific this section.

CIC § 1857(a) requires insurers to maintain reasonable records, of the type and kind reasonably adapted to its method of operation, of its experience, of the data, statistics, or information collected or used by it in connection with the rates, rating plans, rating systems and underwriting rules. The proposed regulation makes the records requirements in CIC § 1857(a) more specific by detailing exactly the kind of records that must be kept in relation to compliance with the various insurance laws regarding rates, rating plans, rating systems and underwriting rules.

CIC § 1857(i) provides specific authority for the Commissioner to promulgate regulations relating to record keeping.

CIC § 1857.2 provides for additional examinations of the rates and rating systems of insurers. The proposed regulation makes the examination requirements in CIC § 1857.2 more specific by detailing exactly the kind of records that must be kept in relation to compliance with the various insurance laws regarding rates, rating plans, rating systems and underwriting rules.

CIC § 1857.3 provides who is subject to examination pursuant to CIC § 1857 and what documents or records shall be examined. The proposed regulation makes the records requirements in CIC § 1857.3 more specific by detailing exactly the kind of records that must be kept in relation to compliance with the various insurance laws regarding rates, rating plans, rating systems and underwriting rules.

CIC § 1857.7 provides the contents of a rate change application. This section relates to underwriting for a number of reasons. Rates are numbers that are applied through underwriting. The assessment of risk in relation to the potential insured or the potential property to be insured is made by the gathering of information about the insured and the property to be insured. This information is applied, at least in part, through underwriting rules and guidelines. Failure to maintain underwriting guidelines that are sufficiently specific may result in an unfairly discriminatory rate (CCR § 2360.2). Underwriting rules that may be sufficiently specific may nonetheless be applied in an unfairly discriminatory manner. The rate charged based on unfairly discriminatory underwriting would be an unfairly discriminatory rate. The proposed regulation, through the use of concrete examples, makes more specific this section of the CIC as it relates to residential property underwriting.

CIC § 1861.03(a) provides that the business of insurance shall be subject to the laws of California applicable to any other business, including, but not limited to, the Unruh Civil Rights Act (Sections 51 to 53, inclusive, of the Civil Code), and the antitrust and unfair business practices laws (Parts 2 (commencing with Section 16600) and 3 (commencing with Section 17500) of Division 7 of the Business and Professions Code). This regulation, through the use of concrete examples, makes more specific this section.

CIC § 1861.05(a) provides that no rate shall remain in effect that is excessive, inadequate, unfairly discriminatory or otherwise in violation of Chapter 9 of the Insurance Code. This section relates to underwriting as well as to rates for a number of reasons. Rates are numbers that are applied through underwriting. The assessment of risk in relation to the potential insured or the potential property to be insured is made by the gathering of information about the insured and the property to be insured. This information is then combined with underwriting rules and rating guidelines to arrive at the premium to be paid by the insured. This excursive is known as underwriting.

Eligibility guidelines are guidelines applied during the underwriting process. These guidelines are designed to screen potential applicants. This screening process necessarily has a direct effect on the pool of risks the insurer will be taking on, as such, these rules necessarily affect potential losses. The loss component in any ratemaking formula is a key component and one that has a profound effect on rates. The Commissioner clearly has jurisdiction over rules that have a profound, direct effect on rates.

Failure to maintain underwriting guidelines that are sufficiently specific may result in an unfairly discriminatory rate (CCR § 2360.2). Underwriting rules that may be sufficiently specific may nonetheless be

applied in an unfairly discriminatory manner. The rate charged based on unfairly discriminatory underwriting would be an unfairly discriminatory rate.

It is clear that the Commissioner has jurisdiction over rates as well as underwriting. This question was put to rest in *Wilson v. Fair Employment and Housing*, 46 Cal. App. 4th 1213, 1223; 54 Cal. Rptr. 2d 419, 424; (1996) where the court stated: . . . the Insurance Commissioner clearly possesses the expertise to evaluate and resolve issues regarding actuarial risks and allegedly discriminatory underwriting practices.

The Office of Administrative Law has also held that CIC § 1861.05 prohibition against unfair discrimination extends to underwriting. In *2000 OAL Determination No. 15*, the insurer requesting (the "requester") the OAL determination argued that CIC §§ 1861.01 and 1861.05 applied only to rates and not to underwriting. The OAL Determination provides:

OAL disagrees with the requester that existing law, either statutory or regulatory, limits filing requirements to rates. For filing requirements that go beyond the filing of just "rates," see Insurance Code section 1861.05(b) ("such other information as the commissioner may require") and Title 10, CCR, sections 2643.3(b) ("require the filing of such other information as he or she deems necessary to review the application and 2648.4(b) ("submission of relevant underwriting rules").

Indeed, as the Office of Administrative Law pointed out, there are myriad examples in the current law where the Commissioner takes jurisdiction over underwriting as well as rates.

In *State Farm Mutual Automobile Insurance Company v. Garamendi* (32 Cal. 4th 1029; 88 P.3d 71; 12 Cal. Rptr. 3d 343; 2004) the California Supreme Court made clear, once again, that the Commissioner's authority under Proposition 103 is extremely broad. The court went on to note that the stated purpose of Proposition 103 is "'to protect consumers from arbitrary insurance rates and practices, to encourage a competitive insurance marketplace, to provide for an accountable Insurance Commissioner, and to ensure that insurance is fair, available, and affordable for all Californians.'" (Historical and Statutory Notes, 42A West's Ann. Ins. Code (1993 ed.) foll. § 1861.01, p. 649.)" The Supreme Court also made it clear that Proposition 103 is "not only about rates and rate regulation; it also concerns other factors that may impermissibly affect the availability of insurance." The subject of this hearing is a regulation that is designed and intended to protect California Insurance consumers and to ensure that residential property insurance is "fair, available and affordable for all Californians."

The proposed regulation, through the use of concrete examples, makes more specific this section of the CIC as it relates to residential property underwriting.

CIC § 1861.05(b) requires every insurer which desires to change any rate to file a complete rate application with the commissioner. A complete rate application shall include all data referred to in Insurance Code sections 1857.7, 1857.9 and 1864 and such other information as the commissioner may require. The proposed regulation, through the use of concrete examples, makes more specific this section.

CIC § 12926 provides that the commissioner shall require compliance from every insurer with all the provisions of the CIC. This regulation, by clarifying residential property underwriting requirements, makes more specific this section of the CIC as it relates to residential property underwriting.

CCR § 2348.4 requires the filing of underwriting eligibility guidelines. Cited as authority for this regulation is CIC § 1861.05. The proposed regulation is similar in application yet narrower in scope as it applies to only residential property insurance.

CCR § 2360.0 provides that eligibility guidelines are specific, objective factors, or categories of specific, objective factors, which are selected and/or defined by an insurer, and which have a substantial relationship to an insured's loss. The proposed regulation, through the use of concrete examples, compliments this section.

CCR § 2360.2 requires insurers to maintain eligibility guidelines for every line of insurance offered for sale to the public. The eligibility guidelines must be sufficiently detailed to determine the appropriate plan for the insured. The proposed regulation is similar in application yet more narrow in scope as it applies to only residential property insurance. This regulation, through the use of concrete examples, compliments this section.

CCR § 2348.4 sets forth the requirement for a complete rate change application. Subsection (b) clearly refers to "underwriting rules." The proposed regulation is similar in application yet more narrow in scope as it applies to only residential property insurance. This regulation, through the use of concrete examples, compliments this section.

POLICY STATEMENT OVERVIEW

A convergence of forces and unforeseen circumstances has come together in California to create a crisis in the residential property insurance market. The insurance industry, consumer protection groups, the press and the general public have all become aware of the situation.

While there are laws specific to insurance rating and underwriting that address cancellation, nonrenewal and eligibility for homeowners insurance, both the insurance industry and the insurance consuming public are unclear as to the exact application of these laws. This regulation is specifically designed to define, clarify and make specific the application of these laws in California.

The residential property insurance crisis centers around the cancellation and nonrenewal of existing homeowners coverage and a general lack of availability due to underwriting and eligibility guidelines applied by insurers that appear in many cases to be in noncompliance with the current insurance laws. The situation has been referred to in the press, and by the Commissioner, as "use it and lose it." Under this scenario, even simple coverage inquiries have been used as the basis for cancellation and nonrenewal of insurance coverage.

The most visible evidence of this crisis is the number of media reports on the lack of availability of homeowners policies. The Commissioner has also been in communication with the real estate and financial industries and with various constituents who are being affected by this crisis.

A significant number of Californians have found it impossible to purchase residential property insurance or had their residential property insurance cancelled or nonrenewed due to acts that may be noncompliance with the California Insurance Code and California Code of Regulations. Many insurers in applying cancellation, nonrenewal and underwriting rules that are not clearly defined, or that rely solely on imperfect and inconsistent databases alone, have aggravated the insurance availability crisis in California.

Many of the problems in this area can be traced to the use of loss history databases compiled by various insurance-support organizations. Much of the data contained in these databases is imperfect and inconsistent, and reliance upon these imperfect and inconsistent databases may result in unfairly discriminatory treatment of policyholders and applicants. Even where the data in the databases is not flawed, current law in California requires that underwriting decisions not be based solely on the contents of the databases but only after further information is gathered from a source or sources other than that gathered from the insurance-support organization. Also, current law requires insurers to evaluate the risk of future loss in making any underwriting decision. The Commissioner believes that insurance industry reliance on these databases is exacerbating the availability crisis and that, if field exams can be used as a barometer, many insurers are foregoing the required underwriting evaluations.

By defining certain terms and providing concrete examples this regulation is designed to clear up any ambiguity in this area of the insurance law. The Commissioner believes that until such time as this regulation is promulgated, the crisis will continue and insurers will continue to forego the underwriting evaluations currently required by law.

This regulation is intended to provide clear guidelines for the rating and underwriting of residential property insurance policies. Underwriting decisions take into account a number of factors which will vary from case to case. The Commissioner recognizes that it is impossible to anticipate every factor which will affect rating and underwriting. These regulations, therefore, do not attempt to impose a rigid, inflexible formula for residential property rating and underwriting.

The stated purpose of Proposition 103 "is to protect consumers from arbitrary insurance rates and practices, to encourage a competitive insurance marketplace, to provide for an accountable Insurance Commissioner, and to ensure that insurance is fair, available, and affordable for all Californians." The Commissioner is charged with enforcing Proposition 103 and all other California Insurance Code provisions. The Commissioner believes proposing this regulation is necessary to ensure homeowners insurance remains available in California.

Effect of Proposed Action

The proposed regulation will implement, interpret and make specific several California Insurance Code sections in relation to residential property rating and underwriting. The proposed regulation will also provide clear, objective definitions and standards so that those subject to the regulation have a better understanding of what is required pursuant to the Code and Regulations. By providing a clear and consistent set of definitions, the proposed regulation will facilitate industry understanding of the terms and will prevent confusion and inconsistencies in residential property underwriting. The proposed regulation will also make clear how the various Insurance Code provisions interact with respect to residential property underwriting.

The criteria and guidelines proposed will also result in more effective residential property rating and underwriting by making clear that there is no justification for basing an adverse underwriting decision on losses or loss exposures which no longer exist because they bear no relationship to the risk of loss. Further, the proposed regulations make clear that mere inquiries cannot be used to form the basis of an adverse underwriting decision because inquiries bear no relationship to the future risk of loss. An inquiry about mold coverage does not cause the house to get

toxic mold. Similarly, the proposed regulation also makes clear that an adverse underwriting decision must be based on exposure to loss, and therefore an insurer must gather sufficient information to make a reasonable determination about what the actual loss exposure is before using that loss exposure to rate the policy.

In summary, the effect of this proposed regulation will be to promote proper underwriting in the homeowners lines of insurance to bring an end to the availability crisis, as well as providing an objective way for the Department to verify compliance with the insurance laws.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

This proposed regulation does not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO ANY STATE AGENCY

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH OTHER STATES

The Department has made an initial determination that adoption of the proposed regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The types of businesses that may be affected are insurers and insurance underwriters. There will be additional record-keeping requirements imposed upon certain insurers that have not been previously required. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.

- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

The types of businesses affected by the proposed regulations are insurers that transact residential property insurance in the State of California.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON JOBS IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The Commissioner, however, invites public comment on alternatives to the regulation.

Performance standards were considered. The objective identified was fairness in residential property underwriting. However, one of the reasons performance standards were rejected was that the criteria by which the attainment of this objective was to be evaluated would necessarily be impracticable, vague or otherwise ineffective given the abstract nature of the objective.

Performance standards were considered and rejected because it was decided that compliance with performance standards would be much more costly than compliance with prescriptive standards in the context of residential property underwriting. Prescriptive standards are more efficient in this context

because, unlike performance standards, they provide the affected businesses a means of determining with certainty and exactitude whether or not they are in compliance, and if they are not, how to achieve compliance. Additionally it was felt that performance standards would foster costly litigation.

IMPACT ON SMALL BUSINESS

The matters proposed herein will only affect insurance companies, and therefore will not affect small business. (Gov. Code Section 11342.610, subd. (b), para. (2).)

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulation.

TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. The Commissioner also has available all the information upon which this proposed action is based and the express terms of the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or questions regarding this proceeding should be directed to the contact persons listed above.

FINAL STATEMENT OF REASONS

Upon **written or e-mail** request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Near the bottom of the

page, under "Select a Topic" click on "Consumers". Scroll down to the heading "Regulatory Activity." In this section, scroll down until you see the subheading "Proposed Regulations—Search." Click on the "Proposed Regulations—Search" link. When the "Search" screen appears, you may choose to find the documents by either conducting a search or by browsing for them by name.

To search, enter RH03031129 (the Department's regulation file number for these regulations) in the "Search for" field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "1861.05"), or search by key word ("losses" for example). Then, click on the "Submit" button to display links to the various filing documents."

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Losses and Loss Exposure" link, and click it. Links to the documents associated with these regulations will then be displayed.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

If the regulations adopted by the Department differ from but are sufficiently related to the original text, the Department will make the modified text available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on December 27, 2004.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 5 p.m. on December 13, 2004.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full

text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 163.5, 851, 4005, 4075, and 4114, Business and Professions Code; section 11127, Health and Safety Code and to implement, interpret or make specific sections 144, 163.5, 851, 4005, 4019, 4021, 4022, 4027, 4029, 4030, 4037, 4038, 4040, 4043, 4050, 4051, 4052, 4070, 4075, 4081, 4101, 4105, 4110, 4112, 4113, 4114, 4115, 4116, 4117, 4119, 4120, 4127.1, 4160, 4180, 4190, 4196, 4200, 4200.1, 4200.2, 4201, 4202, 4203, 4204, 4205, 4231, 4232, 4234, 4301, 4305, 4330, 4332, 4333, 4342, 4400, 4401, 4403, Business and Professions Code; sections, 11055, 11153, 11154, 11166, 11200, and 11165 Health and Safety Code of the Business and Professions Code, , the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 163.5 of the Business and Professions Code specifies that delinquency fees for licenses issued by an agency within the Department of Consumer Affairs shall be fifty percent of the renewal fee.

Section 851 of the Business and Professions Code permits licensing boards within the Department of Consumer Affairs to require applicants to meet the standards of a private voluntary society or association.

Section 4005 of the Business and Professions Code authorizes the board to adopt rules and regulations for the protection of the public including the following:

- For the proper and more effective enforcement and administration of the Pharmacy Law
- Pertaining to the practice of pharmacy
- Pertaining to establishments wherein any drug or device is compounded, prepared, furnished, or dispensed
- Providing for standards of minimum equipment for establishments licensed under this chapter

Section 4019 of the Business and Professions Code defines "order."

Section 4021 of the Business and Professions Code defines "controlled substance."

Section 4022 of the Business and Professions Code defines "dangerous drug or dangerous device."

Section 4027 of the Business and Professions Code defines "licensed health care facility."

Section 4029 of the Business and Professions Code defines "hospital pharmacy."

Section 4030 of the Business and Professions Code defines "intern pharmacist."

Section 4037 of the Business and Professions Code defines "pharmacy."

Section 4038 of the Business and Professions Code defines "pharmacy technician."

Section 4040 of the Business and Professions Code defines "prescription."

Section 4043 of the Business and Professions Code defines "wholesaler."

Section 4050 of the Business and Professions Code declares the practice of pharmacy to be a profession.

Section 4051 of the Business and Professions Code prohibits the practice of pharmacy without a license.

Section 4052 of the Business and Professions Code specifies those professional services that a pharmacist may provide.

Section 4070 of the Business and Professions Code establishes requirements for handling electronic prescriptions.

Section 4075 of the Business and Professions Code permits the board to adopt regulations designed to prevent the unauthorized furnishing of drugs.

Section 4081 of the Business and Professions Code establishes record keeping and inventory requirements for board licensees.

Section 4101 of the Business and Professions Code requires notification of the board when a pharmacist-in-charge or exemptee-in-charge terminates employment.

Section 4105 of the Business and Professions Code establishes requirements for board licensees related to the handling and storage of required documentation.

Section 4110 of the Business and Professions Code prohibits the operation of a pharmacy without a license from the Board of Pharmacy.

Section 4112 of the Business and Professions Code requires non-resident pharmacies to register with the Board of Pharmacy.

Section 4113 of the Business and Professions Code requires each pharmacy to designate a pharmacist-in-charge and specifies that the pharmacist-in-charge is responsible for the lawful operation of the pharmacy.

Section 4114 of the Business and Professions Code permits the board to adopt regulations governing the activities of pharmacy interns.

Section 4115 of the Business and Professions Code specifies the activities that may be performed by a pharmacy technician.

Section 4116 of the Business and Professions Code specifies who may enter a pharmacy and grants the board authority to adopt regulations requiring security measures in pharmacies.

Section 4117 of the Business and Professions Code restricts access to a hospital pharmacy to certain personnel.

Section 4119 of the Business and Professions Code permits pharmacies to furnish dangerous drugs or dangerous devices to licensed health facilities emergency medical service providers under specified circumstances.

Section 4120 of the Business and Professions Code requires drug wholesalers to obtain a license from the Board of Pharmacy and makes declarations regarding non-resident pharmacies.

Section 4127.1 of the Business and Professions Code requires pharmacies compounding sterile injectable drug products to be licensed by the Board of Pharmacy.

Section 4160 of the Business and Professions Code requires drug wholesalers to be licensed by the Board of Pharmacy.

Section 4161 of the Business and Professions Code requires out-of-state distributors to be licensed by the Board of Pharmacy.

Section 4180 of the Business and Professions Code permits specified clinics to obtain a license to purchase drugs from the Board of Pharmacy.

Section 4190 of the Business and Professions Code permits surgical clinics to obtain a license to purchase drugs from the Board of Pharmacy.

Section 4196 of the Business and Professions Code requires veterinary food-animal drug retailers to be licensed by the board.

Section 4200 of the Business and Professions Code specifies the requirements to become licensed as a pharmacist.

Section 4200.1 of the Business and Professions Code requires that pharmacist candidates who fail the licensure examination four times must satisfy additional education requirements.

Section 4200.2 of the Business and Professions Code specifies the content of the Multi-State Pharmacy Jurisprudence Examination.

Section 4201 of the Business and Professions Code specifies the information required of an applicant for a site license from the Board of Pharmacy.

Section 4202 of the Business and Professions Code specifies the requirements to become licensed as a pharmacy technician.

Section 4203 of the Business and Professions Code specifies the requirements of an application for a clinic license issued pursuant to Section 4180.

Section 4204 of the Business and Professions Code specifies the requirements of an application for a clinic license issued pursuant to Section 4190.

Section 4205 of the Business and Professions Code specifies the requirements for a hypodermic license issued pursuant to Section 4141.

Section 4231 of the Business and Professions Code requires pharmacists to complete continuing education as a condition of renewing their license.

Section 4232 of the Business and Professions Code specifies the content of continuing education courses.

Section 4234 of the Business and Professions Code permits the Board of Pharmacy to make exceptions to the continuing education requirement in emergency or hardship cases.

Section 4301 of the Business and Professions Code requires the Board of Pharmacy to take action against any licensee who is guilty of unprofessional conduct and defines unprofessional conduct.

Section 4305 of the Business and Professions Code specifies that the failure to notify the Board of Pharmacy of the termination of the pharmacist-in-charge of a pharmacy is grounds for disciplinary action.

Section 4330 of the Business and Professions Code specifies that failing to put a pharmacist in charge of a pharmacy or interference with the pharmacist-in-charge operating the pharmacy in a lawful manner is a misdemeanor.

Section 4332 of the Business and Professions Code specifies that violation of the record keeping requirements of Section 4081 is a misdemeanor.

Section 4333 of the Business and Professions Code requires that records required by section 4081 must be kept on the premises for three years and further specifies that violation of that requirement is a misdemeanor.

Section 4342 of the Business and Professions Code permits the Board of Pharmacy to take actions to prevent the distribution of unsafe drugs and devices.

Section 4400 of the Business and Professions Code specifies the fees for various licenses issued by the Board of Pharmacy.

Section 4401 of the Business and Professions Code requires pharmacists to renew their licenses every two years.

Section 4403 of the Business and Professions Code prohibits the board from issuing or renewing a license as a pharmacist without the required fees.

Section 11055 of the Health and Safety Code specifies those chemical entities classified as Schedule II controlled substances.

Section 11153 of the Health and Safety Code specifies that a pharmacist has a responsibility to ensure that a controlled substance is issued for a legitimate medical purpose.

Section 11154 of the Health and Safety Code prohibits the dispensing or furnishing of a controlled substance in violation of the California Uniform Controlled Substances Act.

Section 11166 of the Health and Safety Code prohibits the dispensing of a controlled substance prescription after six months from the date of issuance.

Section 11200 of the Health and Safety Code specifies the circumstances under which a controlled substance prescription may be dispensed or refilled.

Section 11165 of the Health and Safety Code generally establishes the Controlled Substance Utilization and Review Evaluation System and requires pharmacies to periodically report the dispensing of Schedule II and Schedule III prescriptions to the Department of Justice.

1. Section 1706.2

This change consolidates provisions related to the abandonment of applications.

2. Section 1712

Senate Bill 1913 (Chapter 695, Statutes of 2004) amended Business and Professions Code section 4115 to allow the use of systems approved by board regulations and this regulation implements that provision.

3. Section 1715

Existing versions of the pharmacy self assessment forms require updating to reflect numerous recent changes to pharmacy law.

4. Section 1715.5

This section is repealed because Senate Bill 151 (Chapter 406, Statutes of 2003) amended section 11165 of the Health and Safety Code to specify how pharmacies must report the dispensing of controlled substances.

5. Section 1717

This section is amended to make technical corrections.

6. Section 1719

This change will allow the board to issue intern pharmacist licenses to students in pharmacy schools with candidate status and for the board to allow graduates of pharmacy schools with candidate status to sit for the licensing examinations. Schools with candidate status are at the penultimate step of accreditation, but final accreditation can occur after students have been enrolled and need to obtain internship hours or to be qualified to take the licensure examinations.

7. Section 1720

These changes are made to conform to the examination structure specified in Senate Bill 361 (Chapter 539, Statutes of 2004) and to delete provisions related to application abandonment that are relocated to section 1706.2.

8. Section 1720.1

Senate Bill 1913 (Chapter 695, Statutes of 2004) requires graduates of foreign pharmacy schools to become certified by the FPGEC. FPGEC has the same

degree and education requirements specified in section 4200 which makes board evaluation of those standards redundant.

9. Section 1725

These are technical changes and conforms to the proposed language in section 1720 regarding recognized schools of pharmacy.

10. Section 1726

Interns are no longer required to be supervised by preceptors. Accordingly, references to preceptors are eliminated.

11. Section 1727

Senate Bill 1913 (Chapter 695, Statutes of 2004) establishes the standards for issuing intern pharmacist licenses in Section 4208 of the Business and Professions Code and are inconsistent with existing provisions of this section.

12. Section 1728

The proposed regulation will streamline the board's application process by requiring pharmacist candidates to have completed all other requirements for licensure prior to applying to take the licensure examinations. The intern hour requirements have been amended to eliminate the first year maximum and preceptor supervision requirements to reflect changes to the pharmacy curriculum in ACPE accredited pharmacy schools.

13. Section 1732

The proposed regulation would eliminate unnecessary definitions.

14. Section 1732.05

The changes update and clarify existing requirements for continuing education accreditation agencies.

15. Section 1732.1

The changes update and clarify existing requirements for continuing education providers.

16. Section 1732.2

The changes update and clarify existing requirements for Board of Pharmacy accredited continuing education providers.

17. Section 1732.3

The changes update and clarify existing requirements for continuing education courses.

18. Section 1732.4

The proposed changes make minor technical changes.

19. Section 1732.5

The proposed changes make minor technical changes.

20. Section 1732.6

The proposed changes make minor technical changes.

21. Section 1732.7

The proposed changes make minor technical changes.

22. Section 1745

Changes made by Senate Bill 151 (Chapter 406, Statutes of 2003) allow the period for partial filling to be extended to 60 days and expands the authority to perform partial fills when a pharmacy does not have an adequate supply to fill the entire prescription in conformance with 21CFR section 1306.13. These changes will provide patients and pharmacists with greater flexibility when handling Schedule II prescriptions.

23. Section 1749

The proposed regulation includes minor technical changes and the following substantive changes:

1. Subdivision (l) eliminates language relating to the extension of an intern pharmacist license in conformance with Business and Professions Code section 4208 which prohibits the extension or renewal of an intern pharmacist license.
2. Subdivision (m) is eliminated because this fee is specified in statute (Business and Professions Code section 4400) and existing language duplicates that provision.
3. Subdivision (n) is eliminated to conform with changes to continuing education regulations proposed in this rulemaking.
4. Subdivision (p) is eliminated to conform with changes regarding foreign graduates proposed in this rulemaking.
5. Subdivision (r) is eliminated because the board no longer regulates medical device retailers.

24. Section 1750

This section is repealed to conform with the repeal of its authorizing statute (section 11127 of the Health and Safety Code).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board of Pharmacy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Pharmacy has determined that the proposed regulations would not adversely affect small businesses. The proposed regulations provide greater flexibility to pharmacies and streamline application processes for certain license classifications.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present written statements relevant to the above determinations to the Board of Pharmacy at the above-mentioned address.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814, or from the Board of Pharmacy Web site (www.pharmacy.ca.gov).

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Virginia Herold
Address: 400 R Street, Suite 4070
Sacramento, CA 95814
Telephone No.: (916) 445-5014 x 4005
Fax No.: (916) 327-6308
E-Mail Address: Virginia_Herold@dca.ca.gov

The backup contact person is:

Name: Patricia Harris
Address: 400 R Street, Suite 4070
Sacramento, CA 95814
Telephone No.: (916) 445-5014 x4004
Fax No.: (916) 327-6308
E-Mail Address: Patricia_Harris@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.pharmacy.ca.gov.

DECISION NOT TO PROCEED

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347, the Occupational Safety and Health Standards Board of the State of California decided not to proceed with Title 8, High Voltage Electrical Safety Orders, Chapter 4, Subchapter 5, Article 36, Section 2940.1, Voltage Determination, (Notice File No. Z-04-0810-02, published September 3, 2004, in the California Notice Register 2004, No. 36-Z, page 1197), based on comments received and therefore, withdraws this proposed action for further consideration.

The Board will initiate at a later date, with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter.

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Gov. Code Sec. 11349.3)
OAL File No. 04-0920-03S**

DECISION OF DISAPPROVAL OF REGULATORY ACTION

In re:

DENTAL BOARD OF CALIFORNIA

**REGULATORY ACTION: Title 16, California
Code of Regulations**

Amend sections 1021

SUMMARY OF REGULATION ACTION

This regulatory action raises the general anesthesia and conscious sedation on-site inspection and evaluation fee from \$250 to \$350 to offset increased costs to the California Association of Oral and Maxillofacial Surgeons which administers the inspection and evaluation.

Date: November 3, 2004

CRAIG S. TARPENNING
Senior Staff Counsel

for: WILLIAM L. GAUSEWITZ
Director

Original: Cynthia Gatlin, Executive Officer

cc: Linda Madden

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EQUALIZATION Vending Machine Operators

The Board of Equalization (Board) is amending the captioned section entitled "Vending Machine Operators." The Board is correcting a cross-reference in section 1574(b)(1)(B). The cross-reference is section 1597(e) which was renumbered in File No. 95-0505-02S to section 1597(f).

Title 18
California Code of Regulations
AMEND: 1574
Filed 11/02/04
Effective 12/02/04
Agency Contact:
Diane G. Olson (916) 322-9569

BOARD OF FORESTRY AND FIRE PROTECTION Timber Harvesting Plans—AB 47 Mapping Requirements.

In this regulatory action, the Board of Forestry and Fire Protection amends its Timber Harvesting Plan regulations to include new mapping requirements pursuant to Public Resources Code section 4551.9 (as provided by Assembly Bill 47, enacted in 2003).

Title 14
California Code of Regulations
AMEND: 912.9, 932.9, 952.9
Filed 10/28/04
Effective 01/01/05
Agency Contact:
Christopher Zimny (916) 653-9418

BOARD OF GOVERNORS, CALIFORNIA COMMUNITY COLLEGES Principles for Sound Fiscal Management

This is a print only file which is exempt from the Administrative Procedure Act pursuant to Education Code section 70901.5(b).

Title 5
California Code of Regulations
AMEND: 58311, 58316
Filed 11/02/04
Effective 09/14/04
Agency Contact:
Ralph D. Black (916) 327-5692

BOARD OF PHARMACY
Emergency Contraception

In this regulatory action, the Board of Pharmacy establishes a protocol for pharmacists furnishing emergency contraception, pursuant to Business and Professions Code section 4052(a)(8)(A)(ii).

Title 16
California Code of Regulations
ADOPT: 1746
Filed 11/02/04
Effective 12/02/04
Agency Contact:
Paul Riches (916) 445-5014 x4016

CALIFORNIA HIGHWAY PATROL
Intermodal Chassis Inspection Tags

Subsection (a) of section 34505.9 of the Vehicle Code provides that an ocean terminal that receives and dispatches intermodal chassis may conduct the intermodal roadability inspection program if specified conditions are met. Subsection (a)(4)(B)(iv) requires that the inspector affix a green tag to a chassis that has passed inspection and a red tag to a chassis that has failed inspection. This regulatory action specifies the information to be included, minimum dimensions, placement and durability of these tags.

Title 13
California Code of Regulations
ADOPT: 1230.5
Filed 10/28/04
Effective 11/27/04
Agency Contact: Gary Ritz (916) 445-1865

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

County Substance Abuse and Crime Prevention Act of 2000 (SACPA) Allocations

This is the first re-adoption of an action that revises the formula for allocating Substance Abuse and Crime Prevention Act of 2000 funds to a county based upon population, treatment caseload, and drug arrest rate information.

Title 9
California Code of Regulations
AMEND: 9525
Filed 10/28/04
Effective 10/29/04
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF CONSERVATION
Refund Value Receipt Requirement

This regulatory action increases the minimum value of a purchase or donation of empty beverage containers for which the recycling center must prepare and maintain a receipt.

Title 14
California Code of Regulations
AMEND: 2525
Filed 11/02/04
Effective 12/02/04
Agency Contact: Cheryl Brown (916) 323-0728

DEPARTMENT OF CORPORATIONS
Time Period for Filing Corporations Code Section 25102(f) Notice

In this regulatory action, the Department of Corporations amends its regulation pertaining to the "Limited Offering Exemption Notice of Transaction" under Corporations Code section 25102(f).

Title 10
California Code of Regulations
AMEND: 260.102.14
Filed 10/27/04
Effective 10/27/04
Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF DEVELOPMENTAL SERVICES
Records Maintenance and Termination of Vendorization

This is the certification of compliance for the permanent adoption of the prior emergency regulations (OAL file nos. 03-0929-02E; 04-0127-01EE; 04-0520-01EE) dealing with the vendorization process and specifying the information a service provider vendor must submit, and maintain as part of the vendor's records, to support all billing/invoicing for each regional center consumer. These regulations also permit a regional center to terminate a vendorization if the regional center determines that continued utilization of the vendor threatens the health and safety of the consumer.

Title 17
California Code of Regulations
AMEND: 50604, 50608, 54326, 54370, 56003, 56082, 57540, 58510, 58671
Filed 10/28/04
Effective 10/28/04
Agency Contact: Lisa Primeaux (916) 654-2199

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Predevelopment and Self Help Housing Programs

The regulatory action deals with the Predevelopment Loan Program and the California Self Help Housing Program.

Title 25
California Code of Regulations
AMEND: 7002, 7005, 7006, 7008, 7012, 7532, 7540, 7544, 7562
Filed 11/01/04
Effective 12/01/04
Agency Contact: Lenora Frazier (916) 323-4475

DEPARTMENT OF INDUSTRIAL RELATIONS
Alternative Composit Deposit

This is a readopt of a prior emergency regulatory action (OAL file no. 04-0624-02E) dealing with the requirements and procedures for an alternative composite deposit posted by the Self Insurers' Security Fund rather than each self insured employer posting a deposit individually to secure workers' compensation liabilities.

Title 8
California Code of Regulations
AMEND: 15220, 15220.1, 15220.3, 15220.4
Filed 11/03/04
Effective 11/03/04
Agency Contact: Mark Johnson (916) 483-3392

DEPARTMENT OF JUSTICE
Firearms Division Fees

This emergency regulatory action adopts and amends fees for the Dealer Record of Sale (DROS) account.

Title 11
California Code of Regulations
ADOPT: 4001, 4002, 4003, 4004, 4005, 4006
AMEND: 984.1
Filed 11/01/04
Effective 11/01/04
Agency Contact: Jeff Amador (916) 227-3705

DEPARTMENT OF PESTICIDE REGULATION
Methyl Bromide Field Fumigation

This is the certification of compliance, with amendments, for an emergency action dating back to September, 2002, that repealed and readopted the regulations on methyl bromide field fumigation.

Title 3
California Code of Regulations
ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784
AMEND: 6000, REPEAL: 6450, 6450.1, 6450.2, 6250.3, 6784
Filed 11/03/04
Effective 11/03/04
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DIVISION OF WORKERS COMPENSATION
Workers' Compensation—Medical Provider
Networks

This emergency action adopts new Article 3.5 implementing year 2004 legislation that authorizes an employer to contract with a medical provider network for the provision of medical treatment to injured employees, by defining terms, creating a process of applying for and receiving Division approval of such networks, and setting standards for care, review and appeal of decisions made in connection with the provision of such care.

Title 8
California Code of Regulations
ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14
Filed 11/01/04
Effective 11/01/04
Agency Contact:
Destie Overpeck (415) 703-4659

FISH AND GAME COMMISSION
Herring and Herring Eggs on Kelp

This regulatory action reduces the permitted take of herring and herring eggs on kelp for commercial purposes.

Title 14
California Code of Regulations
AMEND: 163, 164
Filed 11/03/04
Effective 11/03/04
Agency Contact: Jon Snellstrom (916) 653-4899

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

General Requirements for Excavations
This nonsubstantive action would clarify requirements for fall protection in excavations.

Title 8
California Code of Regulations
AMEND: 1541(l)(1)
Filed 11/03/04
Effective 11/03/04
Agency Contact: Marley Hart (916) 274-5721

OFFICE OF THE STATE FIRE MARSHAL
Fire Code Reference

This action updates regulations codified in Title 19 of the CCR by replacing citations identifying obsolete 1979 and 1982 versions of the Uniform Fire Code with citations identifying the 2001 edition that is currently in effect to identify the standards for storage of flammable and combustible liquids, and piping and gasoline storage tanks used in gasoline vapor recovery systems. It also will provide for the publication in title 19, of the standards for standpipe systems that

have been incorporated by reference but are now obscure because the referenced document is no longer commonly available. It will also delete the definition of a term no longer used in Chapter 11.5.

Title 19

California Code of Regulations

AMEND: 1.09, 3.24, 904.4, 1918.35, 1918.37

REPEAL: 1918.17

Filed 10/28/04

Effective 11/27/04

Agency Contact:

Rodney Slaughter (916) 445-8454

OFFICE OF THE STATE FIRE MARSHAL

Housekeeping Non-Combustible Waste Cans

This action amends and updates the existing incorporated technical standards for manufacture of nonmetallic waste containers.

Title 19

California Code of Regulations

AMEND: 3.19

Filed 10/28/04

Effective 11/27/04

Agency Contact:

Rodney Slaughter (916) 445-8454

STATE ALLOCATION BOARD

Leroy F. Greene School facilities Act of 1998—

Eligibility Lock-in/ Other Evidence

This action amends the Greene school facility funding regulations by adopting a three-year eligibility lock-in for small school districts and the option of a case-by-case determination of substantial progress on site acquisition during a Program Accountability Progress Audit.

Title 2

California Code of Regulations

AMEND: 1859.51, 1859.105

Filed 11/02/04

Effective 11/02/04

Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998

The regulatory action is the Certificate of Compliance for emergency regulations that dealt with the School Facility Joint-Use Program. (Prior OAL File 04-0514-02E.)

Title 2

California Code of Regulations

ADOPT: 1859.123.1 AMEND: 1859.2, 1859.73.1, 1859.81, 1859.83, 1859.90, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.129, 1859.130

Filed 11/02/04

Effective 11/02/04

Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN JUNE 16, 2004
TO NOVEMBER 3, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

10/13/04 ADOPT: 1015, 1019, 1048, 1050
AMEND: 1000, 1002, 1004, 1006, 1008, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1027, 1028, 1030, 1032, 1034, 1038, 1040, 1042, 1044, 1046

08/12/04 ADOPT: 1396 AMEND: 1314, 1321, 1323, 1324, 1334, 1354, 1390, 1392, REPEAL: 1332

Title 2

11/02/04 ADOPT: 1859.123.1 AMEND: 1859.2, 1859.73.1, 1859.81, 1859.83, 1859.90, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.129, 1859.130

11/02/04 AMEND: 1859.51, 1859.105

10/26/04 ADOPT: 18361.1, 18361.2, 18361.3, 18361.4, 18361.5, 18361.6, 18361.7, 18361.8, AMEND: 18361.5, 18406, 18450.4, 18702.2, 18702.5, 18740, 18747, 18754, 18951 REPEAL: 18361

09/29/04 ADOPT: 20107

09/23/04 AMEND: 18401, 18421.1

09/23/04 ADOPT: 588, 588.1, 588.2, 588.3, 588.4, 588.5, 588.6, 588.7, 588.8, 588.9, 5881.10

09/15/04 ADOPT: 599.511 AMEND: 599.500(t)

09/10/04 AMEND: 54300

09/09/04 AMEND: 18704.2

08/31/04 ADOPT: 599.517

08/20/04 ADOPT: 586, 586.1, 586.2

08/10/04 ADOPT: 1896, 1896.2, 1896.4, 1896.6, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20, 1896.22 REPEAL:

1896, 1896.2, 1896.4, 1896.6, 1896.8,
1896.10, 1896.12, 1896.14, 1896.16,
1896.18, 1896.20
08/09/04 ADOPT: 1859.77.3 AMEND: 1859.2,
1859.77.2
08/09/04 AMEND: 599.508
08/04/04 AMEND: 599.515(e)
07/30/04 ADOPT: 18531.10
07/28/04 ADOPT: 1172.90, 1172.92
07/27/04 AMEND: 18404.1
07/26/04 ADOPT: 18530.9 AMEND: 18531.5
07/22/04 ADOPT: 1859.51.1, 1859.70.2 AMEND:
1859.2, 1859.51, 1859.70, 1859.103
07/02/04 AMEND: 1859.2, 1859.145, 1859.145.1
06/28/04 ADOPT: 599.516
06/21/04 ADOPT: 22600, 22600.1, 22600.2,
22600.3, 22600.4, 22600.5, 22600.6,
22600.7, 22600.8, 22600.9, 22601,
22601.1, 22601.2, 22601.3, 22601.4,
22601.5, 22601.6, 22601.7, 22601.8

Title 3

11/03/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6250.3, 6784
10/25/04 AMEND: 3700(c)
10/14/04 AMEND: 3423(b)
10/13/04 AMEND: 3700(b)
10/06/04 ADOPT: 2042, 2100, 2101, 2102
10/06/04 AMEND: 3877(a), 3883, 3885(a)(b),
4603(f) REPEAL: 3902
10/04/04 AMEND: 1280.2
09/22/04 AMEND: 3430(b)
09/20/04 AMEND: 3700
09/09/04 AMEND: 6502
09/08/04 AMEND: 3423(b)
09/08/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
09/02/04 AMEND: 3700(b)(c)
08/19/04 AMEND: 3700(c)
08/10/04 ADOPT: 1472.8 AMEND: 1472.5
08/05/04 AMEND: 3962(a)
07/09/04 AMEND: 3423(b)
07/06/04 AMEND: 3430(b)
07/06/04 AMEND: 3700(c)
07/02/04 AMEND: 3558(a)
06/25/04 AMEND: 1380.19(p), 1442.7

Title 4

10/18/04 ADOPT: 12270, 12271, 12272
10/14/04 AMEND: 1402, 1471, 2056, 2101, 2102,
2103
10/13/04 AMEND: 1371
09/23/04 ADOPT: 144
09/20/04 AMEND: 12101, 12122, 12250
08/17/04 ADOPT: 12400, 12401, 12402, 12403,
12404, 12405, 12406

07/19/04 ADOPT: 4147, 4148
07/19/04 ADOPT: 10163, 10164 AMEND: 10152,
10153, 10154, 10155, 10156, 10157,
10158, 10159, 10160, 10161, 10162
07/19/04 ADOPT: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10325,
10326, 10327, 10328, 10330, 10335,
10337 AMEND: 10325(b), 10325(B)(1),
10325(c)(2)(B) , 10325(c)(12),
10325(d)(1)
07/06/04 ADOPT: 12200, 12200.1, 12200.3,
12200.5, 12200.6, 12200.7, 12200.9,
12200.11, 12200.13, 12200.14, 12200.15,
12200.16, 12200.17, 12200.18, 12200.20,
12200.21, 12200.25, 12201, 12202,
12203, 12204, 12205, 12218, 12218.5,
12218.7, 12218.11, 12218.13, 12220,

Title 5

11/02/04 AMEND: 58311, 58316
09/30/04 ADOPT: 19814.1, 19832, 19833, 19834,
19835, 19837, 19837 AMEND: 19814
09/22/04 AMEND: 11530
09/14/04 AMEND: 58310, 58312, 58314
09/08/04 ADOPT: 58139
09/03/04 AMEND: 40000, 40050, 40650, 40900,
41302, 41304, 41901.5, 42501, 43000
09/02/04 ADOPT: 40402.1, 40405, 40405.1,
40405.2, 40405.3, 40405.4, 40901,
41301, 41906, 41910, and 42728.
AMEND: 40500, 40501, 40503, 40505,
40506, 41600, 41601, 42395, 42705,
43600, 43601, 43602, 43603, 43604,
43660, 43661, 43662, 43663, 43664,
43665, 43666
08/09/04 AMEND: 590, 591, 592, 593, 594, 595,
596
07/30/04 ADOPT: 58317
07/19/04 ADOPT: 40530, 40531, 40532 AMEND:
40651, 40803, 40803.1
06/30/04 AMEND: 19814(e)
06/23/04 ADOPT: 19810, 19811, 19812, 19813,
19814, 19815, 19816, 19817, 19818,
19819, 19820, 19821, 19822, 19823,
19824, 19825, 19826, 19828, 19829,
19830, 19831 REPEAL: 19827
06/17/04 ADOPT: 19814.1, 19832, 19833, 19834,
19835, 19836, 19837 AMEND: 19814

Title 8

11/03/04 AMEND: 1541(l)(1)
11/03/04 AMEND: 15220, 15220.1, 15220.3,
15220.4
11/01/04 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14

10/19/04 ADOPT: 16421, 16422, 16423, 16424
AMEND: 16425, 16426, 16427, 16428,
16429, 16431, 16432, 16433, 16434,
16435, 16436, 16437, 16438, 16439
REPEAL: 16430, 16435.5

10/07/04 AMEND: 5144

10/07/04 AMEND: 3456

10/06/04 AMEND: 344.30

10/04/04 ADOPT: 10202, 10102.1, 10203.1,
10203.2 AMEND: 10200, 10201, 10203,
10204

10/04/04 AMEND: 5155

10/01/04 ADOPT: 3241.1

10/01/04 AMEND: 5155

09/30/04 AMEND: 3381

08/30/04 ADOPT: 32032, 32033, 32034, 32035,
81000, 81005, 81010, 81020, 81030,
81040, 81050, 81055, 81060, 81065,
81070, 81075, 81080, 81090, 81100,
81105, 81110, 81115, 81120, 81125,
81130, 81135, 81140, 81145, 81150,
81155, 81160, 81165, 81170, 81175,
81180, 81

08/27/04 AMEND: 3657

08/26/04 AMEND: 3427

08/02/04 AMEND: 6283(a)

07/29/04 ADOPT: 232.01, 232.02, 232.03, 232.04,
232.05, 232.06, 232.07, 232.08, 232.09,
232.10, 232.11, 232.12, 232.20, 232.21,
232.22, 232.23, 232.24, 232.25, 232.26,
232.27, 232.28, 232.29, 232.30, 232.31,
232.32, 232.33, 232.34, 232.35, 232.36,
232.37, 232.40,

07/20/04 AMEND: 5147

07/13/04 AMEND: 1523

07/07/04 AMEND: 1632, 3212

07/07/04 ADOPT: 9881.1, 10117.1, 10118.1
AMEND: 9810, 9880, 9881, 9883 RE-
PEAL: 9882, 10117, 10118

07/07/04 AMEND: 3301

07/07/04 AMEND: 1716.2

07/06/04 AMEND: 15220, 15220.1, 15220.3,
15220.4

07/06/04 AMEND: 5194

07/02/04 ADOPT: 9788.01, 9788.19788.11,
9788.2, 9788.3, 9788.31, 9788.32,
9788.4, 9788.5, 9788.6, 9788.7, 9788.9,
9788.91

06/30/04 ADOPT: 10250

06/28/04 AMEND: 1953

Title 9

10/28/04 AMEND: 9525

09/01/04 ADOPT: 9807, 9822, 9834, 9836
AMEND: 9800, 9802, 9878 REPEAL:
9830, 9834, 9836

06/28/04 AMEND: 9525

Title 10

10/27/04 AMEND: 260.102.14

10/26/04 AMEND: 2498.4.9, 2498.5

10/04/04 AMEND: 2632.13(e)

09/22/04 AMEND: 2731

09/16/04 AMEND: 2318.6, 2353.1

09/15/04 AMEND: 2695.8(b)

09/01/04 AMEND: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2697.37, 2698.38, 2698.39, 2698.40,
2698.41, 2698.42

08/31/04 ADOPT: 2698.95

08/26/04 AMEND: 2498.5

08/26/04 AMEND: 2498.5

08/26/04 AMEND: 2498.3

08/25/04 ADOPT: 2498.4.9 REPEAL: 2400, 2401,
2403, 2404, 2405, 2406, 2407, 2408,
2420, 2421, 2421.1a, 2421.2, 2421.3,
2421.4, 2421.5, 2421.6, 2421.8, 2421.9,
2421.10, 2422, 2430, 2431, 2431.1,
2431.2, 2431.3, 2432, 2441, 2442, 2443,
2443.1, 2444, 2444.5, 2444.6

08/24/04 AMEND: 2498.6

08/04/04 ADOPT: 2695.1, 2695.2, 2695.4, 2695.7,
2695.8, 2695.85, 2695.9, 2695.10,
2695.12 REPEAL: 2695.1, 2695.2,
2695.4, 2695.7, 2695.8, 2695.85, 2695.9,
2695.10, 2695.12, 2695.14

07/29/04 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
2192.10, 2192.11, 2192.12

07/29/04 AMEND: 2498.6

07/12/04 ADOPT: 2361

07/07/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3,
52194.4, 2194.5, 2194.6, 2194.7, 2194.8

07/01/04 ADOPT: 2699.6608 AMEND: 2699.100,
2699.200, 2699.201, 2699.205, 2699.209,
2699.400, 2699.401, 2699.6500,
2699.6600, 2699.6606, 2699.6607,
2699.6611, 2699.6613, 2699.6617,
2699.6619, 2699.6625, 2699.6631,
2699.6705, 2699.6717, 2699.6725,
2699.6801, 2699.

Title 11

11/01/04 ADOPT: 4001, 4002, 4003, 4004, 4005,
4006 AMEND: 984.1

10/19/04 ADOPT: 2037, 2038 AMEND: 2010,
2037, 2050

08/26/04 AMEND: 1005, 1007, 1008, 1018

07/07/04 AMEND: 1005, 1007

06/23/04 AMEND: 51.16

06/21/04 ADOPT: 2037, 2038 AMEND: 2010,
2050

Title 12

10/08/04 AMEND: 503(f)

Title 13

10/28/04 ADOPT: 1230.5
 10/25/04 AMEND: 190.32, 190.34, 190.36, 190.38
 09/09/04 ADOPT: 15.07
 09/02/04 ADOPT: 155.05 AMEND: 155.00,
 155.02, 155.04, 155.08, 155.10 REPEAL:
 155.06
 07/21/04 ADOPT: 159.00
 07/20/04 ADOPT: 2020, 2021, 2021.1, 2021.2
 07/19/04 AMEND: 1090
 07/16/04 AMEND: 712
 07/15/04 AMEND: 225.45, 225.51, 225.54
 07/07/04 AMEND: 156.00

Title 13, 17

07/15/04 ADOPT: 2284, 2285, 93114 AMEND:
 1961, 2281, 2282, 2701

Title 14

11/03/04 AMEND: 163, 164
 11/02/04 AMEND: 2525
 10/28/04 AMEND: 912.9, 932.9, 952.9
 10/21/04 AMEND: 300, 600
 10/18/04 AMEND: 1682, 1682.1, 1683, 1683.1,
 1683.6 REPEAL: 1681.2, 1681.3, 1681.2,
 1681.3
 10/14/04 AMEND: 10610(e) Appedix M and Ap-
 pedix N
 10/12/04 ADOPT: 1052.4 AMEND: 895.1, 1052,
 1052.1
 10/07/04 AMEND: 851.1
 09/27/04 AMEND: 851.23
 09/22/04 AMEND: 1.74
 09/21/04 AMEND: 507.1
 09/09/04 AMEND: 27.60, 27.65, 27.82, 28.27
 09/07/04 ADOPT: 15333, Appendix L AMEND:
 15023, 15062, 15064, 15065, 15075,
 15082, 15085, 15087, 15088, 15088.5,
 15094, 15097, 15126.4, 15205, 15206,
 15252, 15313, 15325, 15330, 15333,
 15378, Appendices C, D
 09/07/04 ADOPT: 17913.5 AMEND: 17901,
 17902, 17905, 17910, 17911, 17913,
 17914, 17914.5
 09/01/04 AMEND: 671
 08/23/04 ADOPT: 18456.2.1, 18460.2.1 AMEND:
 18449, 18450, 18451, 18456, 18459,
 18459.2.1, 18459.3, 18461, 18462
 08/23/04 AMEND: 7.50
 08/12/04 AMEND: 7.50(b)(180)
 08/10/04 AMEND: 18072
 07/30/04 AMEND: 3698, 3699
 07/22/04 AMEND: 7.50(b)(91.1)

07/21/04 ADOPT: 18464 AMEND: 18453,
 18453.2, 18456.4, 18457, 18459.1,
 18460.1, 18460.1.1, 18460.2, 18461,
 18465

07/12/04 AMEND: 180.3
 07/07/04 AMEND: 251, 311, 353, 354, 360, 361,
 362, 363, 364, 365, 604, 708
 06/29/04 AMEND: 17383.3, 17383.8, 17402.5,
 18223
 06/28/04 AMEND: 2430, 2525, 2535
 06/25/04 ADOPT: 1052.4 AMEND: 895.1, 1052,
 1052.1

Title 15

10/13/04 REPEAL: 4200, 4201, 4202, 4370, 4371,
 4374, 4376, 7381, 7382, 7393, 4394,
 4394, 4394.8, 4395, 4396, 4397, 4399,
 4400
 09/13/04 AMEND: 200, 2400, 2403
 08/30/04 ADOPT: 2251.5 AMEND: 2005, 2057,
 2072, 2073, 2074 REPEAL: 2050, 2051,
 2052, 2054, 2055, 2056
 06/25/04 AMEND: 2253
 06/18/04 AMEND: 3097
 06/17/04 ADOPT: 3000 AMEND: 3005, 3044,
 3062, 3313, 3314, 3315, 3323, 3376
 REPEAL: 3045.1

Title 16

11/02/04 ADOPT: 1746
 10/26/04 ADOPT: 4180, 4181, 4182, 4183, 4184
 10/25/04 AMEND: 1379.26
 10/22/04 ADOPT: 1382.6 AMEND: 1382.5
 10/08/04 AMEND: 1079.2
 10/08/04 ADOPT: 1399.16
 10/05/04 ADOPT: 1399.434, 1399.435 AMEND:
 1399.415, 1399.416, 1399.436
 10/04/04 ADOPT: 1355.31
 09/29/04 ADOPT: 1751.01, 1751.02 AMEND:
 1751, 1751.2, 1751.3, 1751.4, 1751.5,
 1751.6, 1751.7, 1751.9 REPEAL: 1751.8
 09/24/04 AMEND: 88
 09/24/04 AMEND: 1397.61
 09/23/04 AMEND: 1381
 09/22/04 AMEND: 1710, 1711, 1717.1, 1717.4,
 1720, 1721, 1723.1, 1724, 1749, 1793,
 1793.1, 1793.2, 1793.4, 1793.5, 1793.6,
 1793.7
 09/08/04 AMEND: 1399.26
 09/07/04 ADOPT: 1082.3
 09/03/04 AMEND: 1793.3
 09/02/04 AMEND: 1709.1
 08/23/04 AMEND: 901.(d), 902.(c), 903.(b),
 905.(a), 913.(f), 914.(d), 919.(g), and
 941.(a)(2).
 08/11/04 AMEND: 1381.5
 07/22/04 ADOPT: 1829 AMEND: 1816.2, 1816.3,
 1833.3, 1877 REPEAL: 1815

07/20/04 ADOPT: 2065.8.1, 2065.8.2, 2065.8.3
 AMEND: 2065, 2065.7, 2065.8
 07/19/04 AMEND: 12, 12.5, 87, 87.1, 90
 07/16/04 AMEND: 109, 116, 117, 121
 07/13/04 ADOPT: 1996.3 AMEND: 1953, 1970,
 1983(j), 1996.1
 07/09/04 AMEND: 472.1, 473.1
 07/02/04 AMEND: 438
 07/01/04 AMEND: 1810
 06/28/04 ADOPT: 325.1
 06/24/04 ADOPT: 643

Title 17

10/28/04 AMEND: 50604, 50608, 54326, 54370,
 56003, 56082, 57540, 58510, 58671
 08/27/04 AMEND: 50604, 50605, 54302, 54310,
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 08/12/04 AMEND: 94011
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